IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 13414 of 2005

Between:

Smt. K. Pentamma, w/o. Late K. Jangaiah,
R/o. H.No. 6-71, patel road, Shadnagar, Mahabubnagar District.

..... PETITIONER

AND

1 The Chairman & Managing Director, A.P. Central Power - Distribution

Company Ltd., (CPDCL), Hyderabad.
2 The General Manager HRD, A.P. C.P.D.C.Ltd., (CPDCL), Hyderabad.
3 The Supt., Engineer, A.P.C.P.D.C.Ltd., (CPDCL), MAHABUBNAGAR.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue writ order or direction more particularly one in the nature writ of mandamus declaring the action of the respondents in not paying the terminal benefits of the late husband of the petitioner even after six months after the death of Sri K. Jangaiah as illegal, arbitrary and contrary to Art. 14 of the Constitution of India and consequently direct the respondents to pay the terminal benefits of the late husband of the petitioner immediately with 12% interest per annum in the interest of justice.

Counsel for the Petitioner: MR.M.RATNA REDDY

Counsel for the Respondents: MR.KISHORE SAMINENI (SC FOR AP TRANSCO)

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner seeking writ of Mandamus declaring the action of the respondents in not paying the terminal benefits of the late husband of the petitioner even after six months after the death, and therefore, sought for appropriate directions.

2. It is stated that the petitioner's husband late Jangaiah while working as Lineman in APCPDCL, Shadnagar, died on 24-12-2004 leaving the petitioner as the first wife having two daughters and two sons. It is stated that the petitioner obtained a legal heir certificate from the Mandal Revenue Officer giving the details of the legal heirs who are nine in number including the petitioner i.e., five sons, two daughters and the second wife. It is stated that she made application to the respondents for release of the terminal benefits. But the respondents did not pass any orders. Hence, the petitioner has come up with the present writ petition.

3. Though this Court ordered notice giving two weeks time to the respondents to get instructions and again it was adjourned by another week, the respondents could not get any instructions, but only represented that counter was prepared and sent for signature and is yet to receive the same after signature by the respondents.

4. In view of the fact that the application of the petitioner is pending before the respondents, the respondents are not entitled to keep quiet without passing appropriate orders on the claim of the petitioner, especially, when her husband died and the petitioner is admittedly entitled for the terminal benefits.

5. Under the above circumstances, the writ petition is disposed of directing the respondents to pass appropriate orders releasing the terminal benefits, if there is any dispute as to the entitlement, the respondents are entitled to conduct the necessary enquiry and pass orders granting the benefits in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition is disposed of. No order as to costs.

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S.ANANDA REDDY, J

20th July, 2005

SKM

Copy to:

1 The Chairman & Managing Director, A.P. Central Power - Distribution Company Ltd., (CPDCL), Hyderabad.

2 The General Manager HRD, A.P.C.P.D.C.Ltd., (CPDCL), Hyderabad.

3 The Supt., Engineer, A.P.C.P.D.C.Ltd., (CPDCL), MAHABUBNAGAR.

4 Two C.D. Copies.